

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 3, 2013

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Mr. McGee was away. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

PROGRAMS AND POLICIES TO ADVANCE RENEWABLE ENERGY PROJECTS

Mr. Christopher Kearns, Chief of Program Development, Office of Energy Resources, spoke about renewable energy projects that included topics such as Distributed Generation Contracts, Net Metering and Renewable Energy Landscapes. The Distributed Generation program is administered by National Grid with oversight by the Office of Energy Resources. He noted there is a fifteen year contract with National Grid at a fixed price for the renewable energy technology. Wind, solar anaerobic digestion and small scale hydropower are eligible to participate in the program. Except for the small scale hydropower that allows 48 months, there is an eighteen month deadline for projects to become operational. Mr. Kearns noted there are twelve wind turbines located in Rhode Island.

PURCHASE OF 40+/- ACRES FROM RAM INVESTMENTS LLC

(DOWLING VILLAGE)

Attorney Richard Nadeau, Jr. had been asked by the Council to revise the Purchase and Sales agreements between the town and RAM Investments. One is for 40 acres and the other is for 2.54 acres. Mr. Nadeau still has concerns about the access as did the Council members.

Mr. Bradley of DiPrete Engineering presented maps showing purported access.

Despite the review of the maps, there were still access concerns and Mr. Nadeau noted several issues in the Purchase and Sales agreements that need resolution.

Attorney Jeff Caffrey, representing RAM Investments, stated he still needs approval from the Planning Board to combine the preliminary and master plans and he was on a tight timeframe.

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The date of closing is a concern to Dr. Caroly Shumway of the North Smithfield Land Trust as it is supposed to take place by the end of October.

MOTION by Mr. Zwolenski to approve a Purchase and Sales agreement between the Town of North Smithfield and the North

Smithfield Land Trust (buyers) with RAM Investments Associates LLC (sellers) for 40+/- acres to take place simultaneously with the Purchase and Sales agreement of 2.54 acres between the North Smithfield Land Trust and RAM Investments Associates LLC.

Mr. Lombardi offered a suggestion regarding the motion and Mr. Zwolenski withdrew his motion.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to take a ten-minute recess at 8:42 P.M.

The meeting resumed at 8:52 P.M.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 1 on a roll call vote (Mr. Yazbak voted no) to authorize the Town Administrator to sign substantially similar Purchase and Sales agreements for both the 40+/- acres and the 2.54+/- acres with an exhibit to be developed through the subdivision process.

Mr. Yazbak noted that he would be voting no because he has questions about the access that have not been answered as well as concerns about the appraisal and what the town would be paying for these parcels. He cannot see paying that kind of money without guaranteed suitable access.

POTENTIAL AMORTIZATION SCHEDULE FOR PURCHASE

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. Zwolenski, and voted 4 to 0 on an aye vote to receive and place on file.

AGREEMENT WITH DV WIND LLC

Mr. Flaherty commented there had been discussion at a prior meeting as to whether the Council wanted to waive the tangible tax on the wind turbine.

MOTION by Mr. Zwolenski to approve waiving of the tangible tax on the wind turbine. There was no second.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to table this matter.

ORDINANCE AMENDMENT RE: CHICKEN HENS

Mr. Zwolenski offered some amendments:

Section (F) Restricting chicken hens to back yards only and not being allowed in side yards.

Adding Section (I)(2) “Inspection and approval of sanitary conditions by the Animal Control Officer upon receipt of a complaint.”

Adding Section (J) “Violation of sanitary cleanliness and sanitary requirements.

(1) Fines: Any violation of this provision shall be subject to a fine of

\$30.00 for the first offense, \$50.00 for the second offense, \$75.00 for the third offense and \$100.00 for each subsequent offense.”

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to continue the public hearing and the second reading to October 7, 2013.

SLATERSVILLE STONE ARCH BRIDGE REPLACEMENT

Town Planner Robert Ericson stated that ninety percent of the plans will be done in December and then sent out to various agencies for approval. It looks like the start time will be next June.

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ADOPTION OF WATER BUDGET AND RATE FOR FY 2014

There was still a question regarding the fund balance and whether there were three or four billing cycles included in the revenue report.

Because Finance Director MacDonald was unable to attend due to a death in her family, MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to continue this to September 16, 2013.

RESOLUTION ESTABLISHING CHARTER REVIEW COMMISSION

Beginning in October Mr. Flaherty would like to identify the Council's top eight priorities to be put on a ballot.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to amend the resolution to reflect up to ten priorities.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve the following resolution as amended:

“WHEREAS, Pursuant to Article IV, Section 8(22) of the Charter of the Town of North Smithfield (the “Charter”) and Section 2-204(a) of the North Smithfield Code of Ordinances, the Town Council of the Town of North Smithfield wishes to establish a Charter Review Commission; and WHEREAS, There shall be five members made up of each sitting member of the Town Council; and WHEREAS, The Commission shall be charged with the following responsibilities: a. Reviewing the reports prepared by the two prior charter review commissions established by the Town within the past ten (10) years. b. Reviewing the current Charter to determine what revisions, if any, should be brought before the Town Council for its review and action. c. Select up to ten (10) proposed revisions to put before voters in the November, 2014 general election; and WHEREAS, The Commission shall be governed by the same rules as those that govern the Town Council; and WHEREAS, The recommendations and report of the Commission shall be presented at a public hearing of the Town Council at its February 18, 2014 meeting, in order to provide the Town Council with sufficient time to review such recommendations and

report prior to the deadline to submit legislation to the General Assembly allowing a vote by the residents of North Smithfield on any changes to the Charter approved by the Town Council. NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of North Smithfield hereby establishes a Charter Review Commission that will provide recommendations on proposed amendments to the Charter; and BE IT FURTHER RESOLVED that the Town Council, following a public hearing and discussion, will include those certain proposed amendments on the local ballot to be voted on by town residents at the November 4, 2014 General Election.”

LONGEVITY PAY FOR TOWN ADMINISTRATOR

A memo was included in the packet confirming that former Town Administrator Kenneth Bianchi was the only administrator in office long enough to receive longevity pay and that he did receive it.

Mr. Yazbak referred to Article V, Section 3 of the Town Charter. He believes this would not allow the Administrator at this time to receive longevity. Salaries of elected personnel cannot change until the next election cycle.

It was suggested that this may be one of the proposed Charter changes to be discussed.

Mr. Yazbak did not feel the Town Administrator should make less than any department head.

Mr. Lombardi was asked to review the matter.

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this discussion to September 16, 2013.

AMENDED RESOLUTION RE: PUBLIC FACILITIES ADVISORY TASK FORCE

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. Yazbak, and voted 4 to 0 on an aye vote to accept the following resolution as amended: “WHEREAS, There are a number of public facilities owned by the Town of North Smithfield. WHEREAS, There is no long range plan on

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the usage and upkeep on these properties. WHEREAS, The town needs to identify 1.) the highest and best use of all town-owned facilities, 2.) a capital improvement strategy and related time-table, and 3.) a responsible method for funding suggested improvements. NOW, THEREFORE, BE IT RESOLVED, The Town Council hereby creates a North Smithfield Public Facilities Advisory Task Force to identify 1.) the highest and best use of all town-owned facilities, 2.) a capital improvement strategy and related time-table, and 3.) a responsible method for funding suggested improvements. BE IT FURTHER RESOLVED, the Task Force shall be comprised of one

member that may be appointed by the Town Administrator and one representative may be appointed by and from the membership of each of the following entities: Town Council, Budget Committee, Conservation Commission, Economic Development Commission, Historic District Commission, Parks & Recreation Commission, Planning Board, Public Safety Commission, Redevelopment Agency, School Committee, Sewer Commission, Zoning Board of Review and Library Board of Trustees. The N.S. Fire Chief, Chief of Police and School Superintendent may each appoint one member from their respective departments. BE IT FURTHER RESOLVED, the Task Force will elect officers at its first meeting in June 2013, will follow Roberts Rules of Order in its deliberations and will comply with the requirements of the Rhode Island Open Meetings Act. The Task Force is expected to meet once per month between June and August and at least twice per month between September and December, 2013. The Task force Chair will be expected to deliver a Findings Analysis & Recommendations Report before a Public Hearing called by the Town Council no later than January 20, 2014, at which time the Task Force's work will be complete. The final report should include a grid (similar to the attached) outlining preferred options for the future use of all town-owned facilities. BE IT FURTHER RESOLVED, this will be a working committee and members will be expected to divide the research assignments for all town facilities, evaluating present use, condition, capacity and any past studies. This will include conducting interviews with organizations or departments that use such facilities to better understand space needs, constraints, capital

improvement needs, etc. and documenting findings for Task Force review and discussion and inclusion in the Task Force's final report. BE IT FURTHER RESOLVED, The Task Force will review all previously conducted research on space needs and capital improvement estimates and incorporate same into a comprehensive recommendation to the Town Council. At such time as deemed necessary, the Task Force Chair may request the Town Council's approval to retain professional services for developing feasibility analyses and order-of-magnitude estimates for capital improvements not yet quantified."

APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

APPOINTMENT TO PERSONNEL BOARD

There was no appointment.

APPOINTMENT OF JUVENILE HEARING BOARD CO-ORDINATOR

There was no appointment.

OUT-OF-STATE MOTOR VEHICLE REGISTRATIONS

Mrs. Claire O'Hara had brought this up at a prior meeting. She sees many vehicles in town for long periods of time that are registered in another state and she was sure the town was losing a lot of tax revenue.

Ms. Hamilton had asked Tax Assessor Tammy Boss to look into this. Ms. Boss had contacted the Office of Municipal Finance and was told the town has the authority to tax vehicles upon proof they are in Rhode Island more than six months. Ms. Hamilton noted the problem is enforcement and it is extremely difficult to accomplish.

Mr. Zwolenski asked if she could reach out to General Assembly members.

AWARD OF BID FOR POLICE VEHICLES

MOTION by Mr. Zwolenski and seconded by Ms. Alves to approve the bid received from MHQ for three Ford Police Interceptor Package Sedans in

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the total amount of \$97,465.00 based upon the recommendations of the Chief of Police, the Finance Director and the Town Administrator.

Mr. Yazbak questioned whether the lowest bidder could be disqualified.

The motion failed on a 2 to 2 roll call vote (Mr. Yazbak and Mr. Flaherty voted no).

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0

on an aye vote to continue this to September 16, 2013.

RESIGNATION FROM HISTORIC DISTRICT COMMISSION - MRS. FRYE
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0
on an aye vote to accept Mrs. Frye's letter of resignation and to send
her a thank you letter.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0
on an aye vote at 9:47 P.M. to continue the meeting to 10:30 P.M.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0
on a roll call vote to enter into executive session at 9:48 P.M.
pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective
bargaining or litigation, or work sessions pertaining to collective
bargaining or litigation for review of a legal status report.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0
on a roll call vote to come out of executive session at 10:13 P.M. and
to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on
an aye vote to adjourn at 10:13 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk